THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6376 of 2006

13.9.2006

Between:

V.P.Goyal, S/o.late R.S.Goyal

… Petitioner

AND

Central Power Distribution Company of Andhra Pradesh Ltd.,
Represented by its Divisional Assessing Officer, Hyderabad
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6376 of 2006

ORDER:

The petitioner is owner of Flat No.053, Edaikode Towers, Srinagar Colony, Hyderabad. The Additional Divisional Engineer-II, Hyderabad inspected the petitioner's premises and found that the petitioner was availing electricity under Service Connection No.S1-10422, (category LT1 domestic). The Inspecting Officer also found that the meter was not functioning properly. Therefore, he referred the matter to Meter Reading Testing (MRT) Laboratory. The laboratory sent a report that all the four meter cover ceiling wires were found cut. Therefore, the Additional Divisional Engineer came to the conclusion that the petitioner was prima facie guilty of pilferage of electricity. He estimated the value of electricity pilfered provisionally at Rs.8,10,034.15 ps. (Rupees Eight lakhs ten thousand and thirty four and paise fifteen only). The petitioner was asked to pay 50% of the amount towards reconnection charges and also make a representation to the Superintending Engineer (Assessments), Hyderabad. Aggrieved by the same, the present writ petition is filed.

This Court while ordering notice before admission, on 04.4.2006, directed the respondents not to disconnect the power supply to the petitioner's flat.

After hearing the learned Counsel for the petitioner, this Court is of considered opinion that the notice/provisional assessment order is issued in accordance with subsection (2) of Section 126 of the Electricity Act, 2003 (the Act, for brevity). Therefore, the petitioner is required to make representation/raise objections before the Assessing Officer. So that the Assessing Officer can consider those objections and pass appropriate final assessment order under subsection (3) of

Section 126 of the Act. If the petitioner suffers from the final assessment order, he has right of appeal under Section 127 of the Act statedly before the General Manager, A.P. Central Power Distribution Company Limited. As the petitioner has challenged the provisional assessment order, which is a show cause notice, this Court is not inclined to entertain the writ petition.

Therefore, while ordering *status quo* as on today with regard to supply of electricity by the respondents to the petitioners, the petitioner is given liberty to make a representation to concerned Superintending Engineer (Assessments), within a period of ten (10) days, if not already made. The Superintending Engineer is directed to dispose of the matter and pass final assessment order under Section 126(3) of the Act within a period of two weeks thereafter in accordance with law.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

September 13, 2006.

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